INFORMATION LETTER

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N.C.A. Supports FDA Bill on Food Additives Amendment

In hearings before the House Interstate Commerce Committee the N.C.A., and other food industry representatives supported an FDA sponsored bill, H.R. 3980, which would authorize the FDA to extend the effective date of the Food Additives Amendment beyond the March 6, 1961, deadline with regard to food additives in commercial use before January 1, 1958.

Secretary Ribicoff and FDA Commissioner Larrick testified that further postponement of the effective date of the Amendment beyond the March 6 deadline is necessary in order to permit the completion of scientific investigations needed as a basis for determining the extent to which particular substances should be permitted to be used, and under what conditions. The limitations that the bill would impose on FDA authority to grant further extensions are outlined in the INFORMATION LETTER of Feb. 18, page 103.

N.C.A. in its statement urged that the Committee give immediate and favorable consideration to the bill. The Association did suggest, however, that a minor amendment be added to the bill that would provide an automatic six-month extension for each of the 3,000 substances covered by extensions to March 6, so that the FDA will have time to examine and pass upon each substance separately and decide whether a further extension is required.

In response to questions by the Committee, Commissioner Larrick said that he would not oppose the N.C.A. proposal, but that under any circumstances it was presently contemplated that the FDA would give all persons holding extensions due to expire on March 6 time within which to apply for further extensions under the bill. The Commissioner also indicated that if the bill is not enacted prior to March 6, but is in the process of being considered by Congress, the FDA will not take action against the thousands of food products that might be considered to be in technical violation of the Act because of the expiration of extensions applicable to substances in the foods.

House Labor Subcommittee Reports Wage-Hour Bill; Approves Cut in Canners' Exemptions to 20 Weeks

Would Require Labor Department To Study 'Complicated' Area and Make Recommendations

An amended version of H.R. 3935, the Administration's wage-hour bill, was reported on March 2 to the House Committee on Education and Labor.

The bill reported by the Special (Roosevelt) Subcommittee on Labor, like the Administration bill introduced on February 7, would reduce the two 14-week overtime exemptions for fruit and vegetable canners to two 10-week exemptions. One exemption would continue to be unlimited; the other would continue to be limited to 12 hours per day and 56 hours per week.

The subcommittee also amended the bill to require that the Secretary of Labor study the "complicated exemptions for the handling and processing of agricultural products," with particular reference to sections 7(b)(3), 7(c), and 13(a)(10). (Section 13(a)(10) is the "area of production" exemption from both minimum wage and overtime. Canners of fruits and vegetables who receive their raw product from within 15 miles of their establishment and are located in rural areas come within the "area of production".) The Secretary would be required to report the results of his study together with his recommendations for "further legislation designed to simplify this matter and remove the inequities in the application of such exemptions."

The minimum hourly wage for presently covered employees would be raised by the subcommittee bill to $1.15 this year and to $1.25 a year later. The Administration bill would have provided a three-stage increase to $1.15 this year, $1.20 a year later, and $1.25 the following year.

The House Committee on Education and Labor held an executive session on March 2. The Committee gave tentative approval to the two-stage increase in the minimum wage but failed to complete action on all of the subcommittee recommendations. Another meeting of the full committee has been scheduled for March 6, and Chairman Powell has indicated his intention of reporting a bill to the House by the end of next week.

Hearings on the Administration bill, S. 895, were held on February 28 and March 1, 2 and 3 by the Senate Subcommittee on Labor. Secretary of Labor Goldberg, who testified on March 1, included the following statements in his prepared testimony:

"The bill would also provide more adequate overtime protection for employees engaged in the first processing, canning or packing of certain agricultural commodities in seasonal industries. Two overtime exemptions are now applicable to these employees, a 14-week seasonal industry exemption under which overtime payment is not required except for work in excess of

Drosophila Control Bulletin Distributed

The N.C.A.'s 1961 Drosophila Control Bulletin was sent this week to all canners of tomatoes and tomato products. This 12-page bulletin, prepared by N.C.A. with the advice and technical assistance of industry and state and federal experiment station personnel, sets down detailed recommendations for Drosophila control. Covered in the bulletin are cultural practices, harvesting and handling procedures, treatment of tomatoes in the field after harvest, formulation and handling of pyrethrum dust, handling of tomatoes in the plant, control of adult Drosophila in the plant and tomato receiving areas, and elimination of Drosophila attractants and breeding areas. N.C.A. strongly urges the full cooperation of all canners of tomatoes and tomato products in initiating complete Drosophila control programs in keeping with the latest recommendations contained in this bulletin.

Additional copies of *Drosophila Control, 1961* are available on request from the Raw Products Research Bureau. The bulletin is *not* designed for distribution to tomato growers.

12 hours a day or 56 a week, and another 14-week exemption unlimited as to hours. In many instances, employers qualify for both exemptions. Thus, by combining the two 14-week periods of exemption permitted, their employees are partially or totally exempt from the Act's maximum hours protection for seven months out of the year.

"The denial in this manner of overtime protection to employees for such a length of time is not justifiable. Therefore, the bill would replace these exemption provisions with a new section 7(b)(3). Under this new section, the existing exemption for employees in an industry found to be seasonal in nature would be retained. A 14-week exemption would also be provided for the above-mentioned activities now encompassed in the section 7(c) provisions of the Act. An employer who would be eligible for either, but not both, of the 14-week exemptions would not be required to pay overtime compensation except for work in excess of 12 hours a day or 56 in a workweek. An employer who qualifies for both exemptions would be eligible for an aggregate of 20 weeks exemption in any calendar year of which not more than 10 weeks may be of unlimited hours, and 10 weeks of limited hours."

Andrew J. Biemiller, director of the department of legislation, AFL-CIO, told the Senate Labor Subcommittee on March 2:

"We are glad to note that the Administration bill extends wage coverage to workers in fish and seafood processing. This should be coupled with hours protection as well, except for—at most—a 14-week period.

"Similarly, we welcome the Administration's cut in the hours exemption for workers engaged in the first processing of seasonal crops. But we feel the bill should provide for only one 14-week exemption, rather than two."

Mr. Biemiller also submitted for the record a supplementary statement prepared by Stanley H. Ruttenberg, director of research, AFL-CIO, which included this statement:

"Seafood processing and canning workers should be brought fully under the hours provisions or, at the very least, subjected only to a seasonal exemption, for a maximum period of 14 weeks a year."

On March 2, the National Canners Association filed with the Senate Labor Subcommittee a statement similar to the one which it submitted on February 24 to the Special House Subcommittee on Labor. (See INFORMATION LETTER of February 25, page 107, for a summary of the statement.)

The N.C.A. also mailed this week, to all canners in the United States, a statement of the canning industry's position on the Administration wage-hour bill together with a covering letter requesting them to contact their Senators and Representatives on the necessity for retaining the present canning exemptions. In addition, the following telegram was sent on March 1 to the secretaries of state associations, which represent fruit and vegetable canning:

"Full House Labor Committee scheduled to act tomorrow on H.R. 3935 to increase minimum wage to $1.25 an hour and reduce fruit and vegetable canning exemptions to 20 weeks. We are sending letter to all canners today urging immediate communication with members of Congress on necessity for retention of present exemptions. Your continued support appreciated."

Migratory Labor Bills

Eleven bills relating to the problems of migrant farmworkers were introduced February 28 by Senator Harrison A. Williams (N.J.), chairman of the Senate Subcommittee on Migratory Labor.

"These bills," Senator Williams announced, "have evolved from 18 months of work and study by the Subcommittee, including public hearings and field trips in eight of the states which use large numbers of migratory farmworkers each year."

The bills are S.1122, to establish a minimum wage for certain persons employed in agriculture; S.1123, relating to the child labor exemptions; S.1124, education of migrant children; S.1125, education of migrant adults; S.1126, crew leader licensing; S.1127, housing aids for farmers; S.1128, to extend the National Labor Relations Act to agriculture; S.1129, to amend the Wagner-Peyser Act to authorize the Secretary of Labor to regulate farm labor recruitment, transportation, and distribution; S.1130, improved health services for migrant families; S.1131, day care facilities for migrant children; and S.1132, to establish a National Citizens Council on Migratory Labor.

S.1131 was referred to the Senate Finance Committee, S.1127 to the Senate Banking and Currency Committee, and the others to the Senate Committee on Labor and Public Welfare.

Food Stamp Plan Scheduled To Be Operating in May

Secretary Freeman announced this week that he has received recommendations from the USDA's Special Stamp Plan Development Group and that "under current operating schedules we hope to have the pilot projects going in May." At a news conference the Secretary also stated:

"You may have seen reports indicating that the administrative overhead costs for a stamp plan might run as much as one-third of the total the program costs. These reports are based upon testimony by the previous Administration in relation to an entirely different type of stamp plan than we are contemplating. Once the food stamp plan, as we envision it, is operating on a sizable scale, we estimate that administrative costs will be below 6 percent, maybe as low as 4 percent.

"Of course, we are not currently able to estimate the final costs of a stamp program, nor can we indicate all the advantages and disadvantages of such a plan as opposed to direct distribution. What we are doing is, as the President indicated, establishing a series of pilot projects to get the answers to some of these questions."

USDA also announced the addition of two more areas of maximum chronic unemployment—Butte, Mont., and northern New Mexico—to the six previously designed for pilot food stamp projects (see INFORMATION LETTER of Feb. 11, page 96).

"The purpose of the projects is to study the role of food stamps in making more effective use of the nation's agricultural capacity for the benefit of low-income families, in line with President Kennedy's call for expanded food distribution," it was said.

Dr. Stier Testifies

Appearing as a trustee of the Federal Statistics Users Conference, Dr. Howard L. Stier testified before the Congressional Joint Economic Committee on February 10, during a series of public hearings on the President's Economic Report and the economic situation and outlook. Dr. Stier presented recommendations, on behalf of the FSUC, for long-range improvement in federal statistics. The FSUC is composed of representatives from industry, labor, agricultural and nonprofit research organizations who are concerned with increasing the usefulness and timeliness of federal statistics.

Secretary To Reorganize USDA Economics Services

Secretary Freeman announced on February 24 a reorganization of the agricultural economics services in the USDA which is intended to "provide for more effective coordination of functions involving research in agricultural economics and statistical reporting."

In the reorganization a new top-level position is to be created, that of Director of Agricultural Economics. Secretary Freeman said that he would appoint Dr. Willard Cochrane, University of Minnesota agricultural economist, as Director. Dr. Cochrane was Senator Kennedy's agricultural advisor during the recent campaign.

The Director of Agricultural Economics is to coordinate economic research and statistical functions which are now placed in three USDA units—the Agricultural Marketing Service, the Agricultural Research Service, and the Foreign Agricultural Service. Among the services affected by the reorganization are crop reporting, marketing research, and market development.

The activities of the proposed new agency will involve an extensive reorganization of approximately 1,800 employees of whom more than 800 are outside of Washington. Secretary Freeman said that the changes will result in "better and more expeditious service using existing personnel and operating within the present budget."

Special Departmental task force groups will implement the changes including the necessary shifts of administrative detail.

The Secretary's reorganization memorandum also states that special studies undertaken to bring related functions into closer association for simplified administration have included a proposal to transfer the work on marketing orders and agreements on fruits and vegetables, milk and tobacco from the Agricultural Marketing Service to the Commodity Stabilization Service. Current responsibilities of the CSS include operation of acreage allotments and marketing quotas, price supports, and the soil bank.

Existing USDA structure has an Assistant Secretary for Federal-States Relations, an Assistant Secretary for Marketing and Foreign Agriculture, an Assistant Secretary for Agricultural Stabilization, and a Director of Agricultural Credit. The new position, Director of Agricultural Economics, would be at the same level.

Secretary Freeman noted that he is required by law to invite public comments on the proposed reorganization. He set March 31 as the deadline for receipt of comments but did not indicate when the reorganization would be effected.

Safety and Health Standards Issued for Walsh-Healey Act

The Labor Department has issued regulations establishing safety and health standards applicable to work performed under the Walsh-Healey Public Contracts Act.

The regulations are intended to provide a uniform code of safety and health standards for work done for the federal government under the Walsh-Healey Act. The regulations are designed also to help remedy uncertainties arising from extensive differences in various state laws which have been used in the past as criteria in enforcing the safety provisions of the Act.

Failure to comply with the new regulations will be considered a violation of Walsh-Healey provisions barring unsanitary or hazardous working conditions, the Labor Department said. Violations may result in cancellation of the contract and could subject the responsible party to the ineligible list sanctions of the Act, it was added.

The regulations were issued by Secretary of Labor James P. Mitchell in December. They were published in the *Federal Register* of December 28, 1960, and became effective 30 days after publication.

Copies of the safety and health regulations are available from the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C., or from regional offices in Boston, New York, Chambersburg, Pa., Birmingham, Cleveland, Chicago, Kansas City, Mo., San Francisco, and Nashville.

Utah Canners Association

Thomas D. Dee of Utah Packers, Inc., Ogden, has been reelected president of the Utah Canners Association, and Robert E. Moss of Woods Cross Canning Company, Clearfield, has been reelected vice president. Nelson W. Aldrich, Salt Lake City, was named executive secretary.

USDA Advisors Ask Research On Farm Labor, Bargaining

Expanded studies to explore new methods of achieving stable employment among farm workers, and to determine the cost of reaching this goal were suggested by members of the USDA's Economics Research Advisory Committee at its annual meeting February 15-17.

The research should seek to learn the probable costs of meeting given employment standards in representative farming situations, and the effect of these costs on total costs and returns to farm operators, the committee said.

The economics of farm size also is a high priority research need, according to the committee. This research would result in analysis of the economics of size for all important kinds of farms in major growing areas.

Also, research is needed to ascertain the probable effects of various farm programs, the committee said. It called for expanded studies aimed at appraising features of present and alternative programs including acreage control, negotiability and transferability of allotments, marketing quotas, soil bank, compulsory land retirement, price supports, production payments, and payments in kind.

Among other high priority research needs cited by the committee are (1) basic research on agricultural prices, supply and consumption, (2) new data on farm income improvement and expenditure estimates, (3) information on foreign markets and competition, (4) expanded work on land tenure, (5) recent data on farm taxation and rural government, and (6) alternative methods for farmers to organize for bargaining.

Copies of the committee's report will be available from its executive secretary, James Lankford, Office of the Administrator, Agricultural Research Service, USDA, Washington 25, D. C.

Col. Durbin Retires

Col. William F. Durbin retired from the Army March 31 after 33 years of military service. He is well known to the canning industry. Following World War II he was in charge of the Oakland procurement agency; and later commanding officer of the Chicago regional procurement office. He has been second in command of the MSSA since last July.

Tomato Breeders Meet

The Tomato Breeders Round Table, held in Chicago, February 28-March 1, was attended by 69 persons representing state and federal agricultural experiment stations, the seed trade, and the canning industry. The two-day program included discussion of techniques in breeding and evaluation of tomatoes, development of new varieties adapted to special environments and conditions, and progress and problems in the mechanization of tomato harvesting. C. A. John, H. J. Heinz Company, presented a brief paper on the program, and Wayne A. Robbins, Campbell Soup Company, was chairman of one of the panel discussions. Twenty representatives of the canning industry were present for the meeting.

Preliminary plans were made for the next Round Table meeting, to be held in Chicago in late February, 1962. R. J. Hall, Libby, McNeill & Libby, Dr. W. J. Virgin, California Packing Corporation, and Francis C. Stokes, Francis C. Stokes Co., were elected to serve on the Program Steering Committee for the next meeting. Dr. Edwin A. Crosby, Assistant Director, N.C.A. Raw Products Research, was reelected secretary. Other members of the Committee include Dr. A. E. Thompson, University of Illinois, chairman, Dr. R. L. Foskett, Colorado State University, and Dr. Charles Walkof, Experimental Farm, Morden, Manitoba, Canada.

Canned Foods Featured with Hamburgers in Parents' Story

Several canned food items are featured in an article on hamburger dishes, appearing in the March issue of *Parents'* magazine. Canned corn, tomatoes and green beans show in a full-page color picture of a skillet dinner and tomato soup, fruit cocktail and pineapple in five other recipes accompanying the article.

At the invitation of Blanche M. Stover, family food editor of the magazine, the article was written by Mrs. Jean Schoonover, of Dudley-Anderson-Yutzy, public relations counsel for the N.C.A.'s Consumer and Trade Relations Program, and the color illustration shows her with her husband and three small children partaking of the skillet dinner. The article is headed "Heavenly 'Burger Dishes." *Parents'* national circulation reaches 1,850,000 families.

Report of California Group on Agricultural Chemicals

In June, 1960, Governor Edmund G. Brown of California appointed a 15-member Special Committee on Public Policy Regarding Agricultural Chemicals to study and review the problem and recommend a sound public policy. This Committee heard many witnesses concerning the various phases of use of pesticides and other agricultural chemicals and reviewed numerous written reports on the subject. The chairman of this Special Committee was Dr. Emil M. Mrak, Chancellor of the University of California, and the members included representatives from the University's medical schools, toxicologists, State Department of Agriculture, State Department of Health, and the food industry. George A. Gooding, vice president of the California Packing Corporation, was a member of the Governor's Special Committee.

A very comprehensive report has been issued by this Special Committee and it was the opinion of the group that a great preponderance of the evidence presented indicated that at the present time our food supply is safe.

The Committee stated that "the public should be provided continuous, full, factual, authoritative information concerning the laws and regulations, their enforcement, the safeguards which are in effect to protect the consumer, as well as the occasional difficulties in the use and control of pesticides. This should be done because a fully informed public can evaluate facts and will not be panicked by 'scare' stories."

It was recommended that all levels of government service concerned with agriculture should consider development of a continuing educational program to provide consumers with information concerning agricultural chemicals. At the local level the University of California Agricultural Extension Service with offices throughout the state should be used as consumer contacts for information concerning agricultural chemicals.

It was recommended that all agencies dealing with chemicals in food production and processing should be brought together, at least annually, to insure exchange of information to the end of maintaining public safety in the use of chemicals in agriculture. This conference should review and make recommendations to resolve differences between state and federal statutes, regulations or policies. This is important in view of the substantial quantities of produce shipped interstate by California producers. This might be done under the auspices of the University of California.

Talks on Trade Restrictions

Notice is given in the *Federal Register* of March 2 that the Committee for Reciprocity Information invites the submission of information that will be useful to the U. S. Government during consultations with 12 other countries regarding their limitations on imports for "balance-of-payments" reasons.

Such consultations will be conducted separately with each consulting country during 1961 by a panel of countries including the United States. The consulting countries and the expected timing of their consultations are:

April—Austria, Burma, Chile, Indonesia, Turkey, and the Union of South Africa.

October—Denmark, Finland, Japan, New Zealand, Norway, and Israel.

The CRI invites U. S. firms to submit information relating to possibilities for further relaxation of quantitative import restrictions, a lessening of the discriminatory application of these restrictions, and the moderation of practices which are burdensome to exporters. Information regarding the countries listed for April consultations should be received by the CRI by March 31; the deadline for statements on the October consultation is September 1.

Woman's Day

Canned red sour cherries are featured in a photograph-food article, "12 gala desserts you can make from red sour cherries," in the February issue of *Woman's Day* magazine.

The article says, "February is a party month, and red is a party color, reminiscent of gaiety and fun; red balloons, red roses, red cherries, all have a festive look. So here is a collection of desserts, all made with cherries, all pretty, delicious and not too difficult to make—most of them can be prepared in advance—to put you and your family or guests in a party mood on a winter holiday evening."

The article is attractively illustrated with photographs of the 12 desserts.

Also appearing in the magazine is "The Collector's Cook Book—Casseroles." It features the use of a total of 47 canned foods in the recipes. The cook book is the 49th in a series appearing monthly.

Forthcoming Meetings

March 5-7—Canners League of California, 57th Annual Meeting, Santa Barbara Biltmore, Santa Barbara

March 5-8—National Association of Frozen Food Packers, 20th Annual Convention, Dallas

March 12-15—National-American Wholesale Grocers Association, 55th Annual Convention and Exposition, Palmer House, Chicago

March 14—NATIONAL CANNERS ASSOCIATION Northwest Branch, Annual Canned Salmon Cutting, Olympic Hotel, Seattle

March 14-15—Wisconsin Canners Association, Spring Meetings, Loraine Hotel and the Wisconsin Center Building, Madison

March 16-17—Indiana Canners Association, Spring Meeting and Technical Conference, Purdue University, Lafayette

March 18—Utah Canners Association, Annual Convention, Hotel Utah, Salt Lake City

March 20-22—USDA Symposium on Poultry Health, USDA Jefferson Auditorium, Washington, D. C.

March 27-28—Michigan State University Food Science Department, Conference on Residues in Foods, East Lansing

March 30—Tri-State Packers' Association, Spring Meeting, DuPont Hotel, Wilmington, Del.

April 6-8—Institutional Food Distributors of America, Annual Convention, Hotel Americana, Bal Harbour, Fla.

April 9-12—U. S. Wholesale Grocers Association, Annual Convention, Hotel Americana, Bal Harbour, Fla.

April 13-14—Pennsylvania Canners Association, 8th Annual Canners' Workshop, Allenberry Lodge, Boiling Springs

April 14-19—National Fisheries Institute, Annual Convention, Shoreham Hotel, Washington, D. C.

April 25-26—Mid-Atlantic Food Processors Sales Conference, Cherry Hill Inn, Haddonfield, N.J.

May 7-10—Super Market Institute, 24th Annual Convention, McCormick Place, Chicago

May 7-11—Institute of Food Technologists, 21st Annual Meeting, Hotel Statler, New York City

May 18-19—NATIONAL CANNERS ASSOCIATION, Midyear Meeting of Board of Directors, Statler-Hilton Hotel, Washington, D.C.

June 11-13—Michigan Canners and Freezers Association, Spring Meeting, Whitcomb Hotel, St. Joseph

June 14-17—Processed Apples Institute, Inc., 10th Annual Meeting, The Greenbrier, White Sulphur Springs, W.Va.

June 18-22—National Association of Retail Grocers, 52d Annual Convention, Convention Hall, Philadelphia

June 19-21—Grocery Manufacturers of America, Inc., Midyear Meeting, The Greenbrier, White Sulphur Springs, W. Va.

Sept. 19-27—World Nutritional Fishery Conference, FAO, Rome

Oct. 19-21—Florida Canners Association, 30th Annual Convention, Diplomat Hotel, Hollywood by the Sea

Nov. 13-14—Wisconsin Canners Association, 57th Annual Convention, Schroeder Hotel, Milwaukee

Nov. 20-21—Michigan Canners and Freezers Association, Fall Meeting, Pantlind Hotel, Grand Rapids

Nov. 20-21—Pennsylvania Canners Association, 47th Annual Convention, Yorktowne Hotel, York

Dec. 5-8—New York State Canners and Freezers Association, 76th Annual Convention, Hotel Concord, Kiamesha Lake

Dec. 9-13—National Food Brokers Association, National Food Sales Conference, Chicago

Jan. 10-12—Illinois Canners Association, Canners School, Urbana

Jan. 21-24—NATIONAL CANNERS ASSOCIATION and Canning Machinery and Supplies Association, 55th Annual Conventions, Americana Hotel, Bal Harbour, Fla.

Smith Reports on Canning in U.S.S.R. at Roanoke Meet

Milan D. Smith, 1960 President of the N.C.A., reported on the leadership of American canning over that of the Soviet Union in an address, March 3, at the banquet of the Virginia Canners Association annual meeting at Roanoke. Illustrating his talk, Mr. Smith showed films he made during his tour of six of the Soviet Republics last summer as a member of an official food industry research team.

Mr. Smith asserted that canning is one field of technology in which the Russians have not even come close to the scientific development in the U. S. He said that the Soviets are from 20 to 30 years behind in food processing and distribution techniques, and characterized their industry as using a good deal of hand labor in tasks that have been mechanized in the U. S. A. for many years.

The U.S.S.R., with more than one-sixth of the earth's land area and a population of over 210.5 million people, claims to produce 4.3 billion containers of canned foods each year, he said. By contrast, he pointed out that the United States, with a land area of 3,552,000 square miles (or less than half of the Soviet area) and a population of 180 million (or 15 percent less than Russia's), averages about 24 billion containers of canned foods annually, or nearly six times as much as the 15 Soviet Republics combined.

Mr. Smith made other comparisons between the basic accomplishments of the canning industries of the two systems. U. S. A. produces some 1,200 different canned food items as against only 200 to 300 from the Soviets; operates about 2,200 canneries across the nation, or 11 times as many as the approximate 200 claimed by the Soviet Union.

"Probably the principal reason for the superiority in 'know-how' and initiative of our canning industry over theirs is that in the U.S.S.R. the Government dictates food processing procedure, whereas in this state we operate under a different set of controls. Here we let the demands and desires of the consumer control under our free-enterprise, competitive system; there the State directs all levels —what the farmer grows, what the canner packs, what the consumer eats. Ours is the winning system and we should keep it that way by supporting sound fundamental programs and policies which have carried this nation to its present position of world leadership and have given our people the highest standard of living in the history of the world," he asserted.

At their session on March 4, the Virginia canners also heard talks by Robert B. Heiney, Assistant Secretary of N.C.A., and James W. Bell, of the Research Laboratories. Mr. Heiney reported on current legislation of interest to canners and Mr. Bell on sanitation and waste disposal.

Highlights of Mr. Smith's address were reported in a press release issued by the N.C.A. Information Division to 132 newspapers and 110 radio-TV outlets in Virginia and to the local and national wire services and trade papers.

N.C.A. STAFF AT CANNERS' MEETINGS

Dr. Edwin A. Crosby, Assistant Director of the Raw Products Research Bureau, participated in the 36th Annual Raw Products Conference held at the New York State Agricultural Experiment Station at Geneva on February 14-15. Dr. Crosby discussed canners' responsibilities in the use of pesticides by their growers, emphasizing the need for insuring that growers follow Experiment Station recommendations on the proper use of registered pesticide chemicals.

Participating on a panel, "Mechanical Harvesting of Fruits and Vegetables in 1960," Dr. Crosby, through the use of a movie and slides, discussed progress made in the development of mechanical harvesters for tomatoes.

The two-day school was attended by nearly 200 processors, growers, Experiment Station personnel and others interested in New York State fruit and vegetable production.

The University of Maryland's sweet potato conference was held on Wednesday, March 1 at the Civic Center, Salisbury, Maryland. Mutual problems of interest to both processors and growers were covered. Dr. Howard L. Stier, Director of the Division of Statistics, presented a talk on "Trends and Outlook for Canned Sweet Potatoes."

Dr. Stier also addressed the Management Quality Control graduating class at the Quartermaster School, Ft. Lee, Va. on March 3.

1960 Shipments of Metal Cans

Shipments of metal cans during the calendar year 1960 were less than the volume shipped during 1959 by 2 percent, according to a report by the Bureau of the Census, U. S. Department of Commerce. The volume of shipments was below the preceding year for almost all types of cans.

Shipments of cans for fruit and vegetable products were down 2 percent, and shipments of cans for meat and poultry were down 2½ percent.

The volume of cans shipped for fish and sea food increased 7 percent over 1959; the 1959 total was 6½ percent below 1958.

Shipments of cans for baby foods, soups and "other" foods were 6½ percent larger than in 1959.

The report on 1960 can shipments included, for the first time, a total on aluminum cans. Shipments of aluminum cans during 1960 were reported at 19,647 pounds of aluminum.

	1959	1960
	(*short tons of steel*)	
Fruit and fruit juices (including cans for fruit base still drinks sold as soft drinks)	1,563,984	727,949
Vegetable and vegetable juices		805,319
Meat, including poultry	146,025	142,647
Fish and sea food	115,479	123,907
Evaporated and condensed milk	203,412	195,296
Other dairy products	31,221	24,985
Coffee	220,973	214,375
Lard and shortening	107,148	91,266
Soft drinks	49,103	73,478
Beer	901,127	862,253
Baby food, including formulas	506,264	50,564
All other foods, including soups		488,575
Pet foods	180,468	184,054
All nonfoods	923,753	836,075
Total	4,948,955	4,801,090
Shipments for own use	648,371	684,630
Shipments for sale	4,300,584	4,116,460

Canadian Food Processors

The Canadian Food Processors Association elected the following officers at the annual convention:

President—T. C. Peterson, Alberta Canning Co. Ltd., Magrath, Alta.; first vice president—J. E. Shaffner, M. W. Graves & Co. Ltd., Berwick, N.S.; second vice president—F. J. Andres, Pyramid Canners Ltd., Leamington, Ont.; honorary treasurer—W. H. Heeney, Heeney Frosted Foods Ltd., La Prairie, Que. (reelected); manager—P. R. Robinson, Ottawa (reelected); secretary—Mrs. S. E. Gilchrist, Ottawa (reelected).

Court Upholds Collective Action To Influence Government

On February 20, the Supreme Court handed down a decision of considerable significance for trade associations and other individuals who collectively endeavor to influence the passage or enforcement of federal or state legislation. In *Eastern Railroad Presidents Conference* v. *Noerr Motor Freight, Inc.*, the Supreme Court held that the federal antitrust laws do not prohibit two or more persons from associating together in an attempt to persuade the Congress or a State legislature to enact a law or the Executive to take particular action with respect to a law that might, as enforced, affect the economic position of others.

The *Noerr* case involved an action instituted by certain truck operators and their trade association against 24 eastern railroads and certain other parties, charging that the defendants had conducted a publicity campaign against the truckers designed to foster the adoption and retention of laws and law enforcement practices destructive of the trucking business, to create an atmosphere of distaste for the truckers among the general public, and to impair the relationships existing between the truckers and their customers.

The Federal District Court held that the railroads, their association and the public relations firm they retained had violated the antitrust laws as charged. The Court granted damages to the truckers' trade association, and issued an extensive injunction against the defendants. The Federal Court of Appeals affirmed, and the Supreme Court agreed to review the case. The Supreme Court, in holding that no violation of the Sherman Act can be predicated upon attempts to influence the passage or enforcement of laws, reversed the decision in an unanimous opinion.

The Court pointed out that a contrary holding would substantially impair the power of Government to take actions through its legislature and executive that operate to regulate trade. The Court considered it to be equally persuasive that the construction of the Sherman Act urged by the truckers would raise difficult constitutional questions concerning the right of citizens to petition the Government for the enactment and enforcement of legislation.

In the course of its opinion, the Court held that it was irrelevant that the particular legislation solicited by the railroads was intended to bring about a disadvantage to their competitors, rather than merely an advantage to themselves. In addition, the Court held that direct injury sustained by the truckers as an incidental effect of the railroads' publicity campaign to influence governmental action would not give rise to an antitrust violation. Only if it could be shown that a publicity campaign, ostensibly directed toward influencing governmental action, was a mere sham to cover what was actually an attempt to interfere directly with the business relationships of a competitor, might the Sherman Act be violated.

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